

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court on defendants Seafarers International Union, Seafarers Pension Plan, and Seafarers Money Purchase Pension Plan's joint motion to strike jury demand. Plaintiff has not responded and the time to do so has expired. For the following reasons, defendants' joint motion to strike jury demand will be granted.

This is an action brought by pro se plaintiff Timothy Dean under the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. §§ 1001, et seq., seeking pension benefits. Plaintiff’s complaint includes a demand for a jury trial. However, it is well settled that a plaintiff seeking benefits under ERISA is not entitled to a jury trial. See, e.g., Ibson v. United Healthcare Servs., Inc., 776 F.3d 941, 947 (8th Cir. 2014) (district court properly struck plaintiff’s jury demand on the basis that claims were preempted by ERISA); Langlie v. Onan Corp., 192 F.3d 1137, 1141 (8th Cir. 1999) (“[T]here is no right to a jury trial under ERISA”); In re Vorpahl, 695 F.2d 318, 322 (8th Cir. 1982) (rejecting argument that ERISA plaintiffs were entitled to jury trial under the Seventh Amendment; jury demand was properly stricken).

Accordingly,

IT IS HEREBY ORDERED that defendants Seafarers International Union, Seafarers Pension Plan, and Seafarers Money Purchase Pension Plan's joint motion to strike jury demand is **GRANTED**. [Doc 20]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of July, 2018.